

THIS ORDER IS
APPROVED.



1 **T I F F A N Y & B O S C O**
2 P.A.

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10-19098

Dated: October 28, 2010

James M. Marlar

JAMES M. MARLAR
Chief Bankruptcy Judge

9 **IN THE UNITED STATES BANKRUPTCY COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 IN RE:

12 No. 2:10-bk-21458-JMM

13 Michael Simon Sandberg and Harriet Frances
14 Sandberg
15 Debtors.

Chapter 13

16 **ORDER REGARDING**
17 **MOTION FOR RELIEF**

18 Deutsche Bank National Trust Company, as Trustee
19 for Fremont Home Loan Trust 2006-1 by its
20 Attorney in fact Wells Fargo Bank, N.A., successor
21 by merger to Wells Fargo Home Mortgage, Inc.

22 Movant,

23 vs.

24 Michael Simon Sandberg and Harriet Frances
25 Sandberg, Debtors; Russell A. Brown, Trustee.

26 Respondents.

27 IT IS HEREBY ORDERED by and between the parties herein, through counsel undersigned,

28 that all stays and injunctions, including the automatic stays under U.S. Bankruptcy Code Section

29 362(a), are hereby vacated with respect to the real property which is the subject of the Deed of Trust

1 recorded in the records of the County, Arizona Recorder's Office, wherein Michael Simon Sandberg
2 and Harriet Frances Sandberg, are designated as trustors and Deutsche Bank National Trust
3 Company, as Trustee for Fremont Home Loan Trust 2006-1 by its Attorney in fact Wells Fargo Bank,
4 N.A., successor by merger to Wells Fargo Home Mortgage, Inc. is the current beneficiary, which
5 Deed of Trust encumbers the following described real property:

6 LOT NINETEEN (19), TOUCHSTONE TWO, ACCORDING TO THE PLAT OF RECORD
7 IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA,
8 RECORDED IN BOOK 509 OF MAPS, PAGE 9 AND THEREAFTER CERTIFICATE OF
CORRECTION RECORDED AUGUST 11, 1999 AT RECORDERS NO. 99-0761506.

9 EXCEPT ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES, HELIUM OR
10 OTHER SUBSTANCES OF A GASEOUS NATURE, COAL, METALS, MINERALS,
FOSSILS, FERTILIZER OF EVERY NAME AND DESCRIPTION;

11 TOGETHER WITH ALL URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH
12 IS OR MAY BE DETERMINED BY THE LAWS OF THE UNITED STATES OR OF THIS
13 STATE, OR DECISIONS OF COURTS TO BE PECULIARLY ESSENTIAL TO THE
PRODUCTION OF FISSIONABLE MATERIALS, AS RESERVED IN THE PATENT.

14 IT IS FURTHER ORDERED that the debtors will cure the post-petition arrearages currently
15 due as follows:

17 3 Monthly Payments(s) at \$2,422.53 (August 1, 2010 - October 1, 2010)	\$7,267.59
18 3 Late Charge(s) at \$112.30 (August 1, 2010 - October 1, 2010)	\$336.90
19 Demand Fee	\$400.00
20 Suspense Amount	(\$825.00)
Total	\$7,179.49

21 1. The total arrearage shall be paid in six monthly installments. Payments one through
22 five (1-5) in the amount of \$1,196.58 shall be in addition to the regular monthly payment and shall be
23 due on or before the 15th day of the month commencing with the November 15, 2010 payment and
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1 continuing throughout and concluding on or before March 15, 2011. The sixth final payment in the
2 amount of \$1,196.59 shall be paid on or before April 15, 2011.

3 2. In addition to the payment listed in Paragraph 1, the Debtors, will make the regular
4 post-petition payment due for November 1, 2010, which shall be made when due, and all subsequent
5 payments shall be made when due.

IT IS FURTHER ORDERED that Deutsche Bank National Trust Company, as Trustee for
Fremont Home Loan Trust 2006-1 by its Attorney in fact Wells Fargo Bank, N.A., successor by
merger to Wells Fargo Home Mortgage, Inc. as the current beneficiary under the above described
Deed of Trust agrees not to conduct a Trustee's Sale or judicial "foreclosure" on its Deed of Trust, so
long as the terms of this ORDER are complied with. In the event of default in making any payments
described herein Secured Creditor is permitted, in its discretion, to conduct a Trustee's Sale, judicial
foreclosure, or take whatever other actions necessary to protect their interest in the above legally
described property upon giving written notice of such default to debtors, Debtors' Counsel and
Trustee and Debtors' failure to cure such default within fifteen (15) days of the date of such notice. In
the event said default is not cured within said fifteen (15) day period, all arrearages, both pre-petition
and post-petition shall become immediately due and payable in full and pre-petition arrearages shall
not continue to be payable under the terms of the Plan.

19 IT IS FURTHER ORDERED that if a default notice becomes necessary, Debtors will be
20 charged \$150.00 for fees and costs associated with handling the curing of the default, to be paid
21 together with the defaulted payment and late charge. Debtors shall tender the default payment, late
22 charge and the additional \$150.00 fee for attorney's fees and costs, as set forth above, in the form of a
23 cashier's check or money order, made payable to Movant. If the defaulted payments are not received
24 by Movant, together with the late charge and the \$150.00 default fee, within fifteen days after the
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1 default notice was sent, all arrearages, both pre-petition and post-petition shall become immediately
2 due and payable in full and pre-petition arrearages shall not continue to be payable under the terms of
3 the plan.

4 IT IS FURTHER ORDERED that if Debtor' Bankruptcy Case No. 2:10-bk-21458-JMM is
5 dismissed, either voluntary or involuntary, for any reason, this Order will become null and void and
6 Deutsche Bank National Trust Company, as Trustee for Fremont Home Loan Trust 2006-1 by its
7 Attorney in fact Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc.,
8 and after such dismissal, may, in its discretion, conduct a Trustee's Sale or judicial "foreclosure" on
9 its Deed of Trust or take whatever other actions necessary to protect their interest in the above legally
10 described property.

11 IT IS FURTHER ORDERED that in the event of conversion by the Debtor to any other
12 bankruptcy chapter, the repayment portion of this Order shall become null and void, except that the
13 portion of this Order vacating the automatic stay under U.S. Bankruptcy Code Section 362 (a) shall
14 remain in full force and effect.

15 IT IS FURTHER ORDERED that any hearings scheduled in the matter are vacated.
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